



COUNTY OF LOS ANGELES
DEPARTMENT OF PARKS AND RECREATION

"Parks Make Life Better!"

Russ Guiney, Director

John Wicker, Chief Deputy Director

Executive Offices • 433 South Vermont Avenue • Los Angeles, CA 90020-1975 • (213) 738-2961

October 16, 2012

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**JOINT RESOLUTION OF THE BOARD OF SUPERVISORS OF
THE COUNTY OF LOS ANGELES AND THE CITY COUNCIL OF
THE CITY OF SANTA CLARITA TO TRANSFER JURISDICTION OVER AND APPROVING AND
ACCEPTING THE NEGOTIATED EXCHANGE OF BENEFIT ASSESSMENT REVENUE FOR
LANDSCAPE AND LIGHTING ACT DISTRICT NUMBER 4, ZONE NUMBER 65B (FAIR OAKS
PARK); SITUATED WITHIN THE TERRITORIAL BOUNDARIES OF THE CITY OF SANTA
CLARITA;
FROM THE COUNTY OF LOS ANGELES TO THE CITY OF SANTA CLARITA
(SUPERVISORIAL DISTRICT FIVE) (3 VOTES)**

SUBJECT

Adoption of the Joint Resolution for the transfer of jurisdiction over Landscape and Lighting Act District Number 4, Zone Number 65B (Fair Oaks Park) and the accumulated Benefit Assessment Revenue to the City of Santa Clarita.

IT IS RECOMMENDED THAT THE BOARD:

1. Adopt the Joint Resolution transferring jurisdiction over the above described District, and approving and accepting the negotiated exchange of benefit assessment revenue for Landscape and Lighting Act District Number 4, Zone Number 65B (Fair Oaks Park), from the County of Los Angeles to the City of Santa Clarita.
2. Find the proposed action not subject to the California Environmental Quality Act, because the action does not meet the definition of a project and for the reasons cited herein.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The recommended actions will result in the transfer of jurisdiction of Zone No. 65B (Fair Oaks Park) from the County of Los Angeles (County) to the City of Santa Clarita (City), and the approval and acceptance of the negotiated exchange of benefit assessment revenue in Zone No. 65B (Fair Oaks Park) effective on the latter of July 1, 2012, or a different date mutually agreed to in writing by the parties. Both parties have agreed that the Effective Date of the transfer of jurisdiction from the County to the City shall be November 1, 2012.

These actions are in accordance with Section 22612 of the California Streets and Highways Code (Streets and Highways Code), and Section 99 of the California Revenue and Taxation Code (Revenue and Taxation Code).

On March 20, 2012, the Board approved the annexation No. 2011-20, which covers Zone No. 65B (Fair Oaks Park), from the County to the City. The City Council approved and adopted Joint Resolution No. 12-5 at its regular meeting on February 28, 2012.

On September 11, 2012, the Local Agency Formation Commission (LAFCO) approved the annexation No. 2011-20, which covers area of Zone No. 65B (Fair Oaks Park), from the County to the City.

As a result of the transfer of jurisdiction of Zone No. 65B (Fair Oaks Park) to the City, the City will be providing recreation and park maintenance services to the community of Fair Oaks.

Implementation of Strategic Plan Goals

These actions will further the County's Strategic Plan Goal of Fiscal Sustainability (Goal Two), strengthen and enhance the County's capacity to sustain essential County services through proactive and prudent fiscal policies and stewardship. These recommendations, in compliance with the Landscaping and Lighting Act of 1972 and Article XIID of the California Constitution, will allow the Board acting as the governing body of Landscape and Lighting Act (LLA) District No. 4, Zone No. 65B (Fair Oaks Park), to transfer jurisdiction over Zone No. 65B (Fair Oaks Park) from the County to the City, effective on the latter of (a) July 1, 2012; or (b) a different date mutually agreed to in writing by the County and the City.

FISCAL IMPACT/FINANCING

The County's operation of Zone No. 65B (Fair Oaks Park) has been funded from both benefit assessments which have accrued therein and County's General Fund. Less than one percent of funding is from County's General Fund, and more than 99 percent is from a special benefit assessment levy established by your Board and collected by the County Tax Assessor. The Fiscal Year (FY) 2011-12 Board adopted benefit assessment revenue for Zone No. 65B (Fair Oaks Park) is \$119,510. The FY 2011-12 assessment and the proposed FY 2012-13 assessment for Zone No. 65B (Fair Oaks Park) are included in Attachment I.

County operation of this Zone and its transfer to the City has an insignificant impact on the County's General Fund, which is less than one percent of the Zone's total annual benefit assessment revenue. This Department recommends approval of the transfer of jurisdiction of Zone No. 65B (Fair Oaks Park) to the City and accepting the negotiated exchange of benefit assessment revenue to enable the City to assume direct control of the services benefiting its residents. As provided for in the attached resolution, the County shall provide the City all funds in three installments.

OPERATING BUDGET IMPACT

The recommended action will result in an insignificant amount of savings to the Department's operating budget. The savings, which is less than one percent of the Zone's total annual benefit assessment revenue, will be retained in the Department's operating budget to address various operational deficiencies.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The Streets and Highways Code Section provides that if all of the territory of a district is included within one city as a result of an annexation, the legislative body governing that district may transfer jurisdiction over the district to the city council of the city by a joint resolution setting forth the mutually agreed upon terms and conditions under which the transfer is to take place.

Section 99 of the Revenue and Taxation Code provides that prior to the effective date of any jurisdictional change, the governing bodies of all agencies whose service areas or service responsibilities would be altered by such change must determine the amount of benefit assessment revenue to be exchanged between the affected agencies and approve and accept the negotiated exchange of benefit assessment revenue by resolution, but if the affected agency is a special district, the Board of Supervisors must negotiate on behalf of the district.

County Counsel has approved the enclosed Joint Resolution as to form.

ENVIRONMENTAL DOCUMENTATION

The proposed action is not subject to the California Environmental Quality Act (CEQA) in that the action does not meet the definition of a project according to Section 15378 (b)(5) of the State CEQA Guidelines because the action is an administrative activity which by their terms do not involve any commitments to any specific projects which may result in a potentially significant physical impact on the environment.

Furthermore, upon conveyance of the County-owned Properties, the City will be responsible for complying with any CEQA requirements in connection with the use and improvements of the property.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

As a result of the transfer of jurisdiction of Zone No. 65B (Fair Oaks Park) to the City of Santa Clarita, the City will be providing recreation and park maintenance services to the community of Fair Oaks.

CONCLUSION

It is requested that an executed copy of this document be retained by the Executive Officer-Clerk of the Board, one adopted copy each be forwarded to the Chief Executive Office, County Counsel, and Auditor-Controller, and two adopted copies be forwarded to the Department of Parks and Recreation.

The Honorable Board of Supervisors

10/16/2012

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Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Russ Guiney".

RUSS GUINEY

Director

RG:JW:RAM

KEH:RA:rc

Enclosures

c: Chief Executive Officer
Executive Officer, Clerk of the Board
County Counsel
Auditor Controller

RESOLUTION NO. 12-12

JOINT RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES AND THE CITY COUNCIL OF THE CITY OF SANTA CLARITA TO TRANSFER JURISDICTION OVER AND APPROVING AND ACCEPTING THE NEGOTIATED EXCHANGE OF BENEFIT ASSESSMENT PROCEEDS FOR LANDSCAPE AND LIGHTING ACT DISTRICT (LLA) NO. 4, ZONE NO. 65B FAIR OAKS PARK; SITUATED WITHIN THE TERRITORIAL BOUNDARIES OF THE CITY OF SANTA CLARITA; FROM THE COUNTY OF LOS ANGELES TO THE CITY OF SANTA CLARITA

WHEREAS, Section 22612 of the Streets and Highways Code of the State of California provides that if all of the territory of a district is included within one city as a result of an annexation or incorporation, the legislative body may transfer jurisdiction over the district to the City Council of the city by a joint resolution setting forth the mutually agreed upon terms and conditions under which the transfer is to take place; and

WHEREAS, Landscape and Lighting Act (LLA) District No. 4, Zone No. 65B Fair Oaks Park, ("Zone No. 65B"), currently within the jurisdiction of the County of Los Angeles (the "County"), is entirely located within the territorial boundaries of the City of Santa Clarita (the "City"); and

WHEREAS, the County affirms that there are two funding sources that benefit Zone No. 65B. Less than one (1) percent is from County General Fund, and more than ninety-nine (99) percent is from a special benefit assessment levy established by the Los Angeles County Board of Supervisors and collected by the County Tax Assessor; and

WHEREAS, the funds levied pursuant to that special assessment ("Assessment Proceeds") are currently deposited into a specific account held by the County to be used only used for Zone No. 65B: account No. 036.66 (the "Account"); and

WHEREAS, the Account includes unspent Assessment Proceeds from prior fiscal years, unspent Assessment Proceeds from the current fiscal year, and in the future may also include additional Assessment Proceeds from prior, current, or future fiscal years; and

WHEREAS, the funds within the Account can only be used within Zone No. 65B; and

WHEREAS, the County and the City consent to the transfer of jurisdiction over Zone No. 65B located within the territorial boundaries of the City from the County to the City; and

WHEREAS, the City Council of the City has authorized the City Manager or his designee to accept the transfer of Zone No. 65B on behalf of the City and has authorized the City Manager or his designee to execute all documents necessary to complete the transfer of Zone No. 65B from the County to the City; and

WHEREAS, pursuant to Section 99 of the Revenue and Taxation Code of the State of California, prior to the effective date of any jurisdictional change, the governing bodies of all agencies whose service areas or service responsibilities would be altered by such change must determine the amount of Assessment Proceeds to be exchanged between the affected agencies and approve and accept the negotiated exchange of Assessment Proceeds by resolution, but if the affected agency is a special district, the Board of Supervisors must negotiate on behalf of the district.

NOW, THEREFORE, the Board of Supervisors of the County of Los Angeles acting as the governing body of LLA District No. 4, Zone No. 65B Fair Oaks Park, and the City Council of the City of Santa Clarita hereby resolve as follows:

SECTION 1. That the County and the City agree to transfer jurisdiction over Zone No. 65B from the County to the City.

SECTION 2. That the transfer shall take effect on the latter of (a) July 1, 2012; or (b) a different date mutually agreed to in writing by the parties the ("Effective Date").

SECTION 3. During Fiscal Year 2012-2013 only, the County shall continue to levy and receive all Assessment Proceeds relating to Zone No. 65B. Beginning Fiscal Year 2013-2014 and thereafter, the City shall levy and receive all Assessment Proceeds relating to Zone No. 65B.

SECTION 4. Upon the Effective Date, the County shall provide to the City all funds currently in the Account and all funds that may be forwarded to the Account in the future pursuant to the following schedule:

a. On or about ninety (90) days after the Effective Date of the transfer, the County shall transfer to the City sixty (60) percent of the amount in the Account at that time. This transfer shall constitute the first installment of the funds in the Account.

b. On or about one hundred eighty (180) days after the payment of the first installment of the funds in the Account to the City, the County shall transfer to the City eighty (80) percent of the remaining funds in the Account.

c. On or about one hundred eighty (180) days after the second installment of the funds in the Account to the City, the County shall transfer to the City all outstanding funds in the Account. This amount will include all prior unspent funds, including any Assessment Proceeds for Fiscal Year 2011-2012 and Fiscal Year 2012-2013 which have been received to date, less any invoices to be paid by the County from these funds and less Zone 65B's pro-rata share of administrative expenses, if any. Copies of any invoices paid by the County from these funds shall be provided to the City upon request. The County and the City may amend the amount of payment and/or the date of payment pursuant to written agreement.

d. If for any reason after the final payment of the balance of the funds in the Account there are any Assessment Proceeds or other funds in the Account, the County shall

forward those Assessment Proceeds or funds in the Account to the City within 60 days of County's knowledge of those Assessment Proceeds or funds.

SECTION 5. The County represents that to the best of its knowledge, there are no pending or threatened claims, or administrative or court proceedings against Zone No. 65B to be transferred herein.

The City, as governing body and administrator of Zone No. 65B agrees to indemnify, defend, and hold harmless the County, and its agents, officers, and employees from any damages of any nature whatsoever, including but not limited to, bodily injury, death, personal injury, or property damage, worker's compensation suits, liability or expense, damage to Zone No. 65B, or damage to applicable homeowner association and City property and equipment, arising from landscape services performed on behalf of the City for Zone No. 65B.

SECTION 6. The City agrees to the terms of this Joint Resolution as executed by the City Council on the date below. Should any terms or conditions herein be changed or altered in any form or manner, after the date of execution by the City, this Joint Resolution shall be deemed null and void.

City of Santa Clarita

TRANSFER JURISDICTION OVER AND APPROVING AND ACCEPTING THE
NEGOTIATED EXCHANGE OF BENEFIT ASSESSMENT PROCEEDS FOR LANDSCAPE
AND LIGHTING ACT DISTRICT (LLA) NO. 4, ZONE NO. 65B FAIR OAKS PARK

PASSED, APPROVED AND ADOPTED the 24th day of April, 2012


By the following vote:

AYES: McLean, Weste, Kellar, Boydston, Ferry


ABSENT: None

NOES: None

ABSTAIN: None


MAYOR

ATTEST:


CITY CLERK

CITY OF SANTA CLARITA

City of Santa Clarita

TRANSFER JURISDICTION OVER AND APPROVING AND ACCEPTING THE
NEGOTIATED EXCHANGE OF BENEFIT ASSESSMENT PROCEEDS FOR
LANDSCAPE AND LIGHTING ACT DISTRICT (LLA) NO. 4, ZONE NO. 65B
FAIR OAKS PARK

The foregoing Joint Resolution No. _____ was passed by the Board of
Supervisors of the County of Los Angeles, State of California on
_____, 2012.

SACHI A. HAMAI,
Executive Officer -
Clerk of the Board of Supervisors of
the County of Los Angeles

By: _____
Deputy

APPROVED AS TO FORM

JOHN F. KRATTLI
Acting COUNTY COUNSEL

By: Chk A. Salas da
Deputy County Counsel

By _____
Chairman, Board of Supervisors

On January 6, 1987, the Board of Supervisors for the County of Los Angeles and ex officio the governing body of all other special assessment and taxing districts, agencies and authorities for which said Board so acts adopted a resolution pursuant to Section 25103 of the Government Code which authorized the use of facsimile signatures of the Chairperson of the Board on all papers, documents, or instruments requiring the said signature.


The undersigned hereby certifies that on this _____ day of _____, 2012, the facsimile signature of _____, Chairman Los Angeles was affixed hereto as the official execution of this document. The undersigned further certifies that on this date, a copy of the document was delivered to the Chairperson of the Board of Supervisors of the County of Los Angeles.

In witness whereof, I have also hereunto set my hand and affixed my official seal the day and year above written.

SACHI A. HAMAI,
Executive Officer-Clerk of the
Board of Supervisors of the County of Los Angeles

By _____
Deputy

Approved as to Form:
JOHN F. KRATTLI
ACTING COUNTY COUNSEL


Deputy